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Attorney for Petitioner

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Frescia Anthuane GARRO PINCHI,

Petitioner,

v.

POLLY KAISER, Acting Field Office Director
of the San Francisco Immigration and Customs
Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
their official capacities,

Respondents.

CASE NO. 25-cv-05632

**DECLARATION OF ABBY
SULLIVAN ENGEN**

1 I, Abby Sullivan Engen, declare:

2 1. I have personal knowledge of the facts stated in this declaration and, if called as a
3 witness, could testify truthfully to those facts.

4 2. I am a co-directing attorney of the Immigrants' Rights program at Centro Legal
5 de la Raza ("Centro Legal") and counsel of record in this action. I submit this declaration
6 pursuant to Civil L.R. 65-1(b).

7 **My Efforts to Speak to My Client on July 3, 2025**

8 3. On July 3, 2025, I was contacted by Ariel Koren, a volunteer with Centro Legal
9 and director of a nonprofit organization providing language interpretation and translation
10 services. Ms. Koren informed me that a friend she had been accompanying to the San
11 Francisco Immigration Court was just arrested by Immigration and Customs Enforcement
12 ("ICE") officers upon exiting her master calendar hearing, a routine hearing in immigration
13 court. The person who had just been arrested is the Petitioner in this action, Frescia Anthuane
14 Garro Pinchi. I advised Ms. Koren to accompany Petitioner to the ICE office on a different
15 floor of the same building.

16 4. Ms. Koren contacted me from the ICE office and provided me Petitioner's name
17 and copies of her immigration-related documents. Through these documents I confirmed that
18 Petitioner is alleged by the Department of Homeland Security ("DHS") to have arrived in the
19 United States on April 14, 2023. The address listed on her Notice to Appear in immigration
20 court is a San Jose, California address, meaning when she was released from DHS custody
21 shortly after arriving in the U.S., she was released to San Jose, California. I further confirmed
22 that she filed her Form I-589, Application for Asylum, before the San Francisco Immigration
23 Court on April 26, 2024.

24 5. I promptly completed a Form G-28, Notice of Entry of Appearance before the
25 Department of Homeland Security, along with a skeletal letter requesting that ICE release
26 Petitioner.¹

27
28 ¹ It is ICE's practice to not allow an attorney to speak to a detainee unless the attorney first enters

1 6. My understanding is that Ms. Koren and another individual named Matthew
2 Bridges were speaking to Petitioner through a window that separated them. While on the phone
3 with Ms. Koren for the greater part of roughly three hours, I learned that Petitioner suffers
4 from several serious medical conditions, and that her life is at risk if she does not receive
5 regular medication, monitoring, and a doctor-prescribed dietary regimen. Via Ms. Koren's
6 phone, which she put on speakerphone and held the phone to the window, Petitioner consented
7 to my representation, both before ICE in connection with a release request, and before this
8 Court in connection with a habeas corpus petition. That petition was filed yesterday, July 3,
9 2025.

10 7. At 12:48 p.m., pursuant to ICE-San Francisco's standard practice, I submitted my
11 entry of appearance by email to SanFrancisco.Outreach@ice.dhs.gov, along with the
12 aforementioned release request. It is my understanding that Mr. Bridges printed copies of the
13 entry of appearance and release request and physically handed them to an ICE officer. I
14 followed up with another email at 1:30 p.m. attaching the filed habeas petition.

15 8. For the next two to two-and-a-half hours, I made repeated efforts to secure a
16 phone call with Petitioner and asked that an ICE representative contact me before initiating any
17 transfer to a detention facility. At one point Ms. Koren's phone was on speakerphone such that
18 an officer and I could hear each other, and I requested a phone number at which to contact him
19 (or in the alternative for him to contact me). I stated that a habeas petition had been filed,
20 requested that Petitioner not be transferred out of the Northern District of California, and
21 emphasized Petitioner's medical conditions. While the officer acknowledged the words I had
22 spoken, at no point did he or any other officer agree to speak to me or attempt to contact me.
23 Around 4:00 p.m. I learned from Ms. Koren that ICE had closed for the day and no one would
24 be available to speak to her or to me the remainder of the day. As of the filing of this
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26 _____
27 their appearance—and even then, it is often exceedingly difficult to secure a phone call with a
28 client who is in ICE custody. Therefore, in order to obtain a detainee's consent to represent them
before ICE, generally an attorney must first enter their appearance.

1 declaration, I do not know if Petitioner remains in a temporary holding cell in San Francisco or
 2 if she has been transferred to a detention facility.²

3 **Correspondence with Respondents' Counsel Regarding the Habeas Petition and Motion**
 4 **for TRO**

5 9. At 3:00 p.m. on July 3, 2025, I called Pamela Johann, Civil Chief of the San
 6 Francisco office of the U.S. Attorney for the Northern District of California. I informed Ms.
 7 Johann that I had filed a habeas corpus petition and would be effecting formal service, and that
 8 a motion for TRO would be forthcoming. I followed up with an email at 3:24 p.m. attaching
 9 the filed habeas petition and directing Ms. Johann to the paragraphs summarizing Petitioner's
 10 medical conditions.

11 10. Shortly after 1:00 p.m. today, July 4, 2025, I left Ms. Johann a voicemail
 12 informing her that I would be filing a motion for TRO this afternoon. I acknowledged that
 13 today is a holiday and I may not hear from her, but asked that she contact me by phone or
 14 email if she is in fact working today.

15 11. At roughly 5:30 p.m., I emailed Ms. Johann a copy of the final TRO motion
 16 stating it would be filed imminently. As of this filing, I have received no response.

17
 18 I declare under penalty of perjury under the laws of the United States of America that the
 19 foregoing is true and correct.

20 Executed on July 4, 2025.

/s/ Abby Sullivan Engen

21 Abby Sullivan Engen
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27 ² A search for Petitioner on ICE's detainee locator website (<https://locator.ice.gov/odls/#/search>)
 28 reflects that she is "in ICE custody", but next to "current detention facility" it simply instructs
 "call field office".